IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5006 OF 2007

Mukhtar Ahmed Gulzar Ad.Sayyed.... Petitioner

versus

The Municipal Commissioner & ors..... Respondent.

Mr. Asif Ali Siddiquie for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 01ST AUGUST, 2007

P.C.;

1. The petitioner moved notice of motion making a greivance that the defendants/respondents have committed breach of the order of statusquo passed by the City Civil Court by demolishing the rest of the structure. The City Civil Court examined the motion in the light of provisions contained in Order 39 Rule 2(a) and recorded a finding of fact that the plaintiff has failed to establish that the defendants have committed breach of the statusquo order and thus rejected the motion. Aaggreived thereby the present writ petition has been filed.

2. Perused the order. The same does not call for any interference in writ jurisdiction as a possible view of the matter has been taken, dealing with finding of fact. Hence writ petition is summarily rejected.

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